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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013- 276

13 **AMANDA SUE ROSS, AKA AMANDA**  
14 **ROSS**

**A C C U S A T I O N**

15 **Address of Record:**  
16 **406 Melby Street**  
17 **Westby, WI 54667**

18 **Additional Address:**  
19 **10009 Barton Creek Drive**  
20 **Waco, TX 76708-5861**

21 **Registered Nurse License No. 591389**

22 Respondent.

23 Complainant alleges:

24 **PARTIES**

25 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
26 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
27 Consumer Affairs.

28 2. On or about November 19, 2001, the Board of Registered Nursing ("Board") issued  
Registered Nurse License Number 591389 to Amanda Sue Ross, aka Amanda Ross

1 ("Respondent"). The Registered Nurse License expired on January 31, 2003, and has not been  
2 renewed.

### 3 JURISDICTION

4 3. This Accusation is brought before the Board under the authority of the following  
5 laws. All section references are to the Business and Professions Code unless otherwise indicated.

6 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline  
7 any licensee, including a licensee holding a temporary or an inactive license, for any reason  
8 provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

9 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
10 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
11 licensee or to render a decision imposing discipline on the license. Under Section 2811,  
12 subdivision (b), the Board may renew an expired license at any time within eight years after the  
13 expiration.

14 6. Section 118, subdivision (b) grants the Board jurisdiction over suspended, expired,  
15 forfeited, cancelled, or surrendered licenses:

16 "The suspension, expiration, or forfeiture by operation of law of a license issued by a  
17 board in the department, or its suspension, forfeiture, or cancellation by order of the  
18 board or by order of a court of law, or its surrender without the written consent of the  
19 board, shall not, during any period in which it may be renewed, restored, reissued, or  
20 reinstated, deprive the board of its authority to institute or continue a disciplinary  
proceeding against the licensee upon any ground provided by law or to enter an order  
suspending or revoking the license or otherwise taking disciplinary action against the  
licensee on any such ground."

21 7. Title 16, section 1419.3 of the California Code of Regulations defines the period in  
22 which a license may be renewed or reinstated:

23 "In the event a licensee does not renew his/her license as provided in Section 2811 of  
24 the code, the license expires. A licensee renewing pursuant to this section shall  
25 furnish a full set of fingerprints as required by and set out in section 1419(b) as a  
condition of renewal.

26 (a) A licensee may renew a license that has not been expired for more than  
27 eight years by paying the renewal and penalty fees as specified in Section 1417 and  
providing evidence of 30 hours of continuing education taken within the prior two-  
year period.

28 (b) A licensee may renew a license that has been expired for more than eight

1 years by paying the renewal and penalty fees specified in Section 1417 and providing  
2 evidence that he or she holds a current valid active and clear registered nurse license  
in another state, a United States territory, or Canada, or by passing the Board's current  
examination for licensure."

### 3 STATUTES

4 8. Section 2761 of the Code states, in pertinent part:

5 "The board may take disciplinary action against a certified or licensed nurse or deny an  
6 application for a certificate or license for any of the following:

7 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

8 . . . .

9 "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action  
10 against a health care professional license or certificate by another state or territory of the United  
11 States, by any other government agency, or by another California health care professional  
12 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that  
13 action."

### 14 COST RECOVERY

15 9. Section 125.3 of the Code provides, in pertinent part:

16 "(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary  
17 proceeding before any board within the department or before the Osteopathic Medical Board,  
18 upon request of the entity bringing the proceeding, the administrative law judge may direct a  
19 licensee found to have committed a violation or violations of the licensing act to pay a sum not  
20 to exceed the reasonable costs of the investigation and enforcement of the case.

21 . . . .

22 "(i) Nothing in this section shall preclude a board from including the recovery of the costs  
23 of investigation and enforcement of a case in any stipulated settlement."

### 24 FIRST CAUSE FOR DISCIPLINE

25 (Disciplinary Action by the Florida Board of Nursing)

26 10. Respondent is subject to disciplinary action under Code section 2761, subdivision  
27 (a)(4) on the grounds of unprofessional conduct because her registered nursing license was  
28 disciplined by the Florida Board of Nursing ("Florida Board"), as follows:

11. On or about July 28, 2009, in the matter *Department of Health v. Amanda Sue Ross*, case number 2007-24611, the Florida Board issued a Final Order adopting a settlement agreement between the parties and giving Respondent the sanction of a reprimand with conditions. One of the conditions was that Respondent was required to participate in the Intervention Project for Nurses.

12: The settlement agreement arose out of an Administrative Complaint which alleged, amongst other things, that on or about July 17, 2007, Respondent submitted to an employer ordered drug screen and tested positive for cocaine and marijuana without a lawful prescription or a legitimate medical reason for using the drugs.

## SECOND CAUSE FOR DISCIPLINE

(Disciplinary Action by the Texas Board of Nursing)

13. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4) on the grounds of unprofessional conduct because the Texas Board of Nursing (“Texas Board”) issued her a registered nursing license with terms and conditions, as follows:

14. On or about July 9, 2010, the Texas Board issued an Agreed Eligibility Order which granted Respondent's Endorsement Application for a registered nursing license with terms and conditions. One of the terms and conditions was that Respondent was required to successfully complete the Texas Peer Assistance Program for Nurses.

15. The facts and circumstances underlying the Agreed Eligibility Order were:

(a) In Respondent's Endorsement Application, which she submitted on or about December 8, 2009, she failed to disclose that on or about August 3, 2008, she had been arrested for public swearing/intoxication in public in Ashland, Virginia and she further failed to disclose that she had been convicted of public swearing/intoxication (a misdemeanor) on or about August 27, 2008.

(b) In Respondent's Endorsement Application, Respondent admitted that within the past five years, she had been addicted to and/or treated for the use of alcohol or other drugs. Respondent further admitted that she was given a for cause urine drug test while working as a travel assignment nurse in Miami, Florida and that the result of the test was positive.

1 (c) The discipline to Respondent's license taken by the Florida Board as described  
2 in Paragraphs 11 and 12, above, and hereby incorporated by reference.

3 **DISCIPLINARY CONSIDERATIONS**

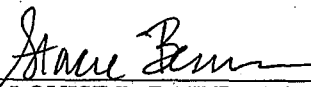
4 16. To determine the degree of discipline, if any, to be imposed on Respondent,  
5 Complainant alleges that on or about December 1, 1999, in a criminal proceeding entitled *La*  
6 *Cross v. Ross, Amanda S.* in La Cross County Superior Court, La Cross, Wisconsin, Case  
7 Number 99-52938-02, Respondent was convicted of Operating (a vehicle) While Under the  
8 Influence, a misdemeanor. Respondent's blood alcohol content was 0.17 percent. The record of  
9 the criminal proceeding is incorporated as if fully set forth.

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
12 and that following the hearing, the Board of Registered Nursing issue a decision:

- 13 1. Revoking or suspending Registered Nurse License Number 591389, issued to  
14 Amanda Sue Ross, aka Amanda Ross;  
15 2. Ordering Amanda Sue Ross, aka Amanda Ross to pay the Board of Registered  
16 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to  
17 Business and Professions Code section 125.3; and  
18 3. Taking such other and further action as deemed necessary and proper.  
19

20 DATED: October 11, 2012

21 *for*   
22 LOUISE R. BAILEY, M.ED., RN  
23 Executive Officer  
24 Board of Registered Nursing  
25 Department of Consumer Affairs  
26 State of California  
27 Complainant  
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